Remarks

In the outstanding Official Action, the Examiner:

(1) indicated that the terminal disclaimers filed on October 21, 2005 do not comply with 37 CFR 1.321(b) and/or (c) because the person who signed the disclaimer did not state the extent of his/her interest, or the business entity's interest, in the application and required the Applicants to submit a replacement or supplemental terminal disclaimer; and

(2) rejected claim 1 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent Nos. 6,702,736, 6,612,980, 6,241,657, 5,776,050 and claim 1 of U.S. Patent Application Serial No. 10/653,719.

In response to Items 1 and 2 above, Applicants have amended claim 1 and added claim 2 in order to more clearly define the present invention. Applicants believe that these amendments are sufficient to overcome the obviousness-type double patenting rejections which are based on U.S. Patent Nos. 6,612,980, 6,241,657, 5,776,050 and U.S. Patent Application Serial No. 10/653,719, which is now U.S. Patent No. 7,063,660.

More particularly, Applicants have amended claim 1 to limit the real-time computer-based viewing system so that it comprises an additional software object corresponding to a graft which is to be deployed adjacent to the physical structure which is to be viewed by the system.

Applicants believe that the invention, as recited in claim 1, is neither anticipated nor rendered obvious by the inventions disclosed in U.S. Patent Nos. 6,612,980, 6,241,657, 5,776,050 and 7,063,660.

More particularly, the inventions disclosed in U.S. Patent Nos. 6,612,980, 6,241,657, 5,776,050 and 7,063,660 essentially refer to a real-time computer-based viewing system which comprises, among other things, two software objects. One software object provides a representation of the specific anatomical structure which is to be viewed. Another software object includes a surface, and the real-time data (e.g., the live video image) collected by the sensor (e.g., the endoscope) is embodied on (e.g., texture mapped onto) that surface. This other software object is placed in registration with the first software object in a manner corresponding to the position of the sensor relative to the anatomical structure.

U.S. Patent Nos. 6,612,980, 6,241,657, 5,776,050 and 7,063,660 do not call for a database of additional software objects corresponding to a graft which is to be deployed adjacent to the physical structure which is to be viewed by the system. As recited in new claim 2, this graft may represent an arterial stent which is to be deployed in the aorta.

In addition, Applicants have enclosed a terminal disclaimer to overcome the nonstatutory obviousness-type double patenting rejection. This terminal disclaimer is believed to overcome the rejection over claim 1 of 6,702,736.

Accordingly, this application is believed to be in condition for allowance, and allowance thereof is respectfully requested.

In the event that any additional fees may be required in this matter, please charge the same to Deposit Account No. 16-0221.

Respectfully submitted,

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